
HOUSE BILL No. 1331

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-30-1; IC 25-30-3.

Synopsis: Private investigators and security guards. Establishes a program for the licensing of security guards. Makes certain changes concerning the licensing of private detectives and changes the term used in licensing from private detective to private investigator. Provides that a person who engages in the private investigator or security guard business without a license commits a Class C misdemeanor. Changes the name of the private detectives licensing board to the private investigator and security guard licensing board and adds two licensed security guards as members. Requires the issuance of both a private investigator firm license and a security guard firm license to a person who holds a valid private detective license on July 1, 2002.

Effective: Upon passage; July 1, 2002.

Cochran, Sturtz

January 15, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1331

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-2-6, AS AMENDED BY P.L.54-2001,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 6. (a) As used in this section, "license" includes
4 all occupational and professional licenses, registrations, permits, and
5 certificates issued under the Indiana Code, and "licensee" includes all
6 occupational and professional licensees, registrants, permittees, and
7 certificate holders regulated under the Indiana Code.

8 (b) This section applies to the following entities that regulate
9 occupations or professions under the Indiana Code:

- 10 (1) Indiana board of accountancy.
- 11 (2) Indiana grain buyers and warehouse licensing agency.
- 12 (3) Indiana auctioneer commission.
- 13 (4) Board of registration for architects and landscape architects.
- 14 (5) State board of barber examiners.
- 15 (6) State board of cosmetology examiners.
- 16 (7) Medical licensing board of Indiana.
- 17 (8) Secretary of state.



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- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private ~~detectives~~ **investigator and security guard** licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a

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1 sanction for failure to renew if, once notice is received from the entity,
 2 the license is renewed within forty-five (45) days of the receipt of the
 3 notice.

4 SECTION 2. IC 25-1-6-3, AS AMENDED BY P.L.227-2001,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2002]: Sec. 3. (a) There is established the Indiana professional
 7 licensing agency. The licensing agency shall perform all administrative
 8 functions, duties, and responsibilities assigned by law or rule to the
 9 executive director, secretary, or other statutory administrator of the
 10 following:

- 11 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 12 (2) Board of registration for architects and landscape architects
 13 (IC 25-4-1-2).
- 14 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 15 (4) State board of barber examiners (IC 25-7-5-1).
- 16 (5) State boxing commission (IC 25-9-1).
- 17 (6) State board of cosmetology examiners (IC 25-8-3-1).
- 18 (7) State board of funeral and cemetery service (IC 25-15-9).
- 19 (8) State board of registration for professional engineers
 20 (IC 25-31-1-3).
- 21 (9) Indiana plumbing commission (IC 25-28.5-1-3).
- 22 (10) Indiana real estate commission (IC 25-34.1).
- 23 (11) Real estate appraiser licensure and certification board
 24 (IC 25-34.1-8-1).
- 25 (12) ~~Private detectives~~ **investigator and security guard** licensing
 26 board (IC 25-30-1-5.1).
- 27 (13) State board of registration for land surveyors
 28 (IC 25-21.5-2-1).

29 (b) Except for appeals of denials of license renewals to the
 30 executive director authorized by section 5.5 of this chapter, nothing in
 31 this chapter may be construed to give the licensing agency policy
 32 making authority, which remains with each board.

33 SECTION 3. IC 25-1-7-1, AS AMENDED BY P.L.82-2000,
 34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2002]: Sec. 1. As used in this chapter:

36 "Board" means the appropriate agency listed in the definition of
 37 regulated occupation in this section.

38 "Director" refers to the director of the division of consumer
 39 protection.

40 "Division" refers to the division of consumer protection, office of
 41 the attorney general.

42 "Licensee" means a person who is:



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(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15-9).

(10) State board of registration for professional engineers (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) ~~Private detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board

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(IC 25-34.1-8).

(29) State board of registration for land surveyors
(IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Any other occupational or professional agency created after
June 30, 1981.

SECTION 4. IC 25-1-8-1, AS AMENDED BY P.L.82-2000,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of
the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects
(IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

(8) State board of dentistry (IC 25-14-1).

(9) State board of funeral and cemetery service (IC 25-15).

(10) State board of registration for professional engineers
(IC 25-31-1-3).

(11) Indiana state board of health facility administrators
(IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Mining board (IC 22-10-1.5-2).

(14) Indiana state board of nursing (IC 25-23-1).

(15) Indiana optometry board (IC 25-24).

(16) Indiana board of pharmacy (IC 25-26).

(17) Indiana plumbing commission (IC 25-28.5-1-3).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board
(IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2-1).

(22) Indiana board of veterinary medical examiners
(IC 15-5-1.1-3).

(23) Department of insurance (IC 27-1).



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(24) State police department (IC 10-1-1-1), for purposes of certifying polygraph examiners under IC 25-30-2.

(25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(26) Private ~~detectives~~ **investigator and security guard** licensing board (IC 25-30-1-5.1).

(27) Occupational therapy committee (IC 25-23.5-2-1).

(28) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6-2-1).

(29) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(30) State board of registration for land surveyors (IC 25-21.5-2-1).

(31) Physician assistant committee (IC 25-27.5).

(32) Indiana athletic trainers board (IC 25-5.1-2-1).

(33) Board of podiatric medicine (IC 25-29-2-1).

(34) Indiana dietitians certification board (IC 25-14.5-2-1).

(35) Indiana physical therapy committee (IC 25-27).

(36) Any other occupational or professional agency created after June 30, 1981.

SECTION 5. IC 25-1-11-1, AS AMENDED BY P.L.82-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) State board of cosmetology examiners (IC 25-8-3-1).

(7) State board of registration of land surveyors (IC 25-21.5-2-1).

(8) State board of funeral and cemetery service (IC 25-15-9).

(9) State board of registration for professional engineers (IC 25-31-1-3).

(10) Indiana plumbing commission (IC 25-28.5-1-3).

(11) Indiana real estate commission (IC 25-34.1-2-1).

~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~

~~(13)~~ **(12)** Real estate appraiser licensure certification board (IC 25-34.1-8).

~~(14)~~ **(13)** Private ~~detectives~~ **investigator and security guard**



licensing board (IC 25-30-1-5.1).

SECTION 6. IC 25-30-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This chapter may be cited as the ~~"Detective License"~~ **"Private Investigator Licensing Law"**.

SECTION 7. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from ~~the~~ a law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of a private ~~detective~~ **investigator** as an individual with the assistance of a licensed or unlicensed person.

SECTION 8. IC 25-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. As used in this chapter:

(1) "Person" means an individual, a firm, a company, an association, an organization, a partnership, or a corporation.

(2) "Licensee" means a person licensed under this chapter.

(3) "Private ~~detective~~ **investigator**" means a person who conducts a private ~~detective~~ **investigator** business with or without the assistance of an employee.

(4) "Private ~~detective~~ **investigator** business" means the business of:

(A) making, for hire or reward, investigation or investigations for the purpose of obtaining information with reference to:

(i) a crime against the state or wrongs done or threatened;

(ii) the habits, conduct, movements, whereabouts, association, transactions, reputation, or character of a person;

(iii) credibility of witnesses or other persons;

(iv) the location or recovery of lost, ~~or~~ stolen, **abandoned, or unclaimed** property;

(v) the causes, origin, or responsibility for fires or accidents or injuries to real or personal property; or

(vi) the truth or falsity of a statement or representation;

(B) securing, for hire or reward, evidence to be used for authorized investigation committees or boards of award or arbitration or in the trial of civil or criminal cases; or

(C) ~~furnishing,~~ **providing**, for hire or reward, ~~a guard or guards or other persons to protect persons or property or to~~

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prevent the misappropriation or concealment of goods, wares and merchandise, money, bonds, stocks, choses in action, notes, or other valuable documents or papers: **undercover investigators for the purpose of detecting and preventing fraud and theft in the workplace and elsewhere.**

(5) "Industrial plant" means a factory, business, or concern that is engaged primarily in the manufacture or assembly of goods or the processing of raw materials, or both.

(6) (5) "Board" refers to the private **detectives investigator and security guard** licensing board established under section 5.1 of this chapter.

(7) (6) "Licensing agency" refers to the Indiana professional licensing agency established under IC 25-1-6.

(8) (7) "Resident" means a person who has established an actual domicile in Indiana.

(8) **"Security guard business" has the meaning set forth in IC 25-30-3-10.**

SECTION 9. IC 25-30-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. It ~~shall be~~ is unlawful for a person ~~partnership, or corporation~~ to engage in the business of a private ~~detective, investigator, or~~ to solicit or advertise for business as a private ~~detective, investigator, or~~ to represent or hold the person ~~partnership, or corporation~~ out to be a private **detective investigator** unless the person ~~partnership, or corporation~~ is licensed under this chapter and complies with this chapter and rules adopted under this chapter.

SECTION 10. IC 25-30-1-5, AS AMENDED BY P.L.42-1999, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. This chapter does not require any of the following persons to be a licensee:

(1) A law enforcement officer of the United States, a state, or a political subdivision of a state to the extent that the officer or employee is engaged in the performance of the officer's or employee's official duties.

(2) Any person to the extent that the person is engaged in the business of furnishing and obtaining information concerning the financial rating of other persons.

(3) A collection agency licensed by the secretary of state or its employee acting within the scope of the employee's employment, to the extent that the person is making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's assets in a property that the client

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has an interest in or a lien upon.

~~(4)~~ An armored service agency to the extent that the agency is engaged in the business of transporting property to prevent the theft or unlawful taking of goods, wares, merchandise, or money.

~~(5)~~ (4) An attorney or employee of an attorney to the extent that the person is engaged in investigative matters incident to the delivery of professional services that constitute the practice of law.

~~(6)~~ (5) An insurance adjuster to the extent that the adjuster is employed in the investigation and settlement of claims made against insurance companies or persons insured by insurance companies if the adjuster is a regular employee of the insurance company and the insurance company is authorized to do business in Indiana and is complying with the laws regulating insurance companies in Indiana.

~~(7)~~ Any employee to the extent that the employee is hired for the purpose of guarding and protecting the properties of railroad companies and is licensed as a railroad policeman under IC 8-3-17.

~~(8)~~ An owner of an industrial plant or an employee of the owner to the extent that the person is hiring a plant security guard for the owner's industrial plant.

~~(9)~~ (6) A person primarily engaged in the business of furnishing information for:

(A) business decisions and transactions in connection with credit, employment, or marketing; or

(B) insurance purposes;

including a consumer reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

~~(10)~~ A retail merchant or an employee of the retail merchant to the extent that the person is hiring a security guard for the retail merchant's retail establishment.

~~(11)~~ (7) A professional engineer registered under IC 25-31 or a person acting under a registered professional engineer's supervision, to the extent the professional engineer is engaged in an investigation incident to the practice of engineering.

~~(12)~~ (8) An architect with a certificate of registration under IC 25-4, to the extent the architect is engaged in an investigation incident to the practice of architecture.

~~(13)~~ (9) A land surveyor with a certificate of registration under IC 25-21.5, to the extent the land surveyor is engaged in an investigation incident to the practice of land surveying.

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(14) (10) A certified public accountant with a certificate under IC 25-2.1-3, to the extent that the person is engaged in an investigation incident to the practice of accountancy.

SECTION 11. IC 25-30-1-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5.1. (a) The private ~~detectives investigator and security guard~~ licensing board is established.

(b) The board consists of the superintendent of the state police department or the superintendent's designee and the following ~~six (6)~~ **seven (7)** members appointed by the governor from different geographic regions of Indiana as determined by the governor:

(1) ~~Two (2)~~ **Three (3)** private ~~detectives investigators~~ licensed under this chapter. ~~who are associated with a private detective business that employs less than fifteen (15) persons.~~

(2) ~~One (1)~~ private detective licensed under this chapter ~~who is associated with a private detective business that employs at least fifteen (15) persons.~~

(2) Two (2) security guards licensed under IC 25-30-3.

(3) One (1) local law enforcement official.

(4) One (1) person who is not associated with the private ~~detective investigator or security guard~~ business other than as a consumer.

~~(5) One (1) private detective licensed under this chapter who is a sole practitioner.~~

(c) A member of the board appointed by the governor serves a two (2) year term.

(d) The governor may remove a board member appointed by a governor for incompetency or failure to perform the member's duties under this chapter.

(e) If an appointed member cannot finish the member's term or is removed by the governor, the governor shall appoint a successor to serve for the remainder of the unexpired term.

(f) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 12. IC 25-30-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5.5. (a) The board shall adopt rules under IC 4-22-2 to implement this ~~chapter~~ **article**.



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(b) The board may not adopt rules concerning qualifications for licensure that are so restrictive that a person may not be licensed under this ~~chapter~~ **article**.

SECTION 13. IC 25-30-1-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 6.5. The board shall issue the following types of licenses under this chapter:**

(1) **A private investigator firm license to a person who meets the requirements of section 7 of this chapter.**

(2) **A private investigator license to an individual who performs one (1) or more activities of the private investigation business as an employee for a person holding a private investigator firm license.**

SECTION 14. IC 25-30-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) An application for license as a private ~~detective investigator firm~~ must be on a form prescribed by the board accompanied by the license fee as provided by this chapter.

(b) The application shall be verified and shall include the following:

(1) The full name and business address, **including street address**, of the **individual** applicant.

(2) The name under which the **individual** applicant intends to do business as a private ~~detective~~ **investigator firm**.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, and directors, and its managers.

(4) **The information required by section 8 of this chapter.**

(5) **The proof of insurance required by section 15 of this chapter.**

(6) Other information, evidence, statements, or documents required by the board.

SECTION 15. IC 25-30-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) Before the application for a **private investigator firm** license is granted, the applicant must meet all of the following:

(1) Be at least twenty-one (21) years of age.

(2) Be a resident of Indiana for at least one (1) year, except for ~~firms, partnerships, or corporations that are licensed in another state and who otherwise comply with this chapter~~ **an applicant that meets the requirements of subsection (e).**

(3) Have:

(A) **at least four thousand (4,000) hours of** experience in



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private ~~detective~~ investigator work under a licensee, or its equivalent;

(B) **at least four thousand (4,000) hours of law enforcement experience;**

(C) **at least a bachelor's degree in criminal justice; or**

(D) any other experience relevant to the private ~~detective~~ investigator business, **as determined by the board.**

(4) Demonstrate the necessary knowledge and skills, as determined by the board, to conduct a private investigator business competently.

~~as determined by the board.~~

(b) If the applicant is a corporation or a partnership:

(1) one (1) officer in the case of a corporation; or

(2) one (1) partner in the case of a partnership;

must meet the personal qualifications as set out in subsection (a), unless otherwise provided.

(c) The board may deny a license unless the applicant makes a showing satisfactory to the board that the applicant, ~~has not, if the applicant is an individual, or if a partnership or corporation, that the officer or partner referred to in subsection (b), has not, if the applicant is a corporation or a partnership:~~

(1) **has not** committed an act which, if committed by a licensee, would be ~~ground~~ **grounds** for the suspension or revocation of a license under this chapter;

(2) **has not** been convicted of a:

(A) felony; or

(B) ~~a~~ misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) **has not** been refused a license under this chapter or had a license revoked; ~~or~~

(4) **has not**, while unlicensed, committed or aided and abetted commission of an act for which a license is required by this chapter;

(5) **is not on probation or parole; and**

(6) **is not being sought under an active warrant against the applicant.**

(d) The board may allow the licensing under this chapter of an applicant who holds a license as a private investigator in another state that, as determined by the board, has standards for licensing at least equal to those of this chapter.

(e) An applicant that is licensed as a private investigator in another state whose standards for licensing are, as determined by

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1 the board, at least equal to those of this chapter is not required to
 2 be domiciled in Indiana to be licensed by the board under this
 3 chapter.

4 SECTION 16. IC 25-30-1-8.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2002]: **Sec. 8.5. If a change in the ownership**
 7 **of a private investigator firm results in the failure to meet the**
 8 **qualifications set forth in section 8 of this chapter:**

9 (1) the private investigator firm license for the private
 10 investigator business terminates on the date the change in
 11 ownership is effective; and

12 (2) the private investigator business must file a new
 13 application for a private investigator firm license with the
 14 board.

15 SECTION 17. IC 25-30-1-9 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) Upon the death
 17 of an individual **who met the qualifications set forth in section 8 of**
 18 **this chapter for a private investigator firm** licensed under this
 19 chapter, the business with which the decedent was connected may be
 20 carried on for a period of ninety (90) days by the following:

21 (1) In the case of an individual licensee, the surviving spouse, or
 22 if there is no surviving spouse, the executor or administrator of
 23 the estate of the decedent.

24 (2) In case of a partner, the surviving partners.

25 (3) In case of an officer of a firm, company, association,
 26 organization, or corporation, the other officers of the firm,
 27 company, association, organization, or corporation.

28 (b) Upon the authorization of the board, the business may be carried
 29 on for a further period of time when necessary to complete an
 30 investigation or assist in litigation pending at the death of the decedent.

31 (c) Nothing in this section authorizes the solicitation or acceptance
 32 of business after the death of the decedent except as provided by this
 33 chapter.

34 (d) Nothing in this section shall be construed to restrict the sale of
 35 a private ~~detective~~ **investigator** business if the vendee qualifies for a
 36 license under this chapter.

37 SECTION 18. IC 25-30-1-10 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) A **private**
 39 **investigator firm** license, when issued, shall be in a form determined
 40 by the board and shall include the following:

41 (1) The name of the licensee, or the names of the individual
 42 partners if the licensee is a partnership, or the names of the

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1 officers and directors of the corporation if the licensee is a
2 corporation.

3 (2) The name under which the licensee is to operate.

4 (3) The number and date of the license.

5 (4) Other information the board deems necessary.

6 (b) The license shall be posted in a conspicuous place in the
7 principal place of business of the licensee.

8 (c) Upon the issuance of a **private investigator firm** license, a
9 ~~pocket card~~ **private investigator license** of a design determined by the
10 board shall be issued without charge to ~~each licensee other than a~~
11 ~~corporation. an individual applicant who meets the qualifications set~~
12 **out in section 8 of this chapter for the issuance of the private**
13 **investigator firm license.** If the licensee is a corporation or
14 partnership, ~~the pocket card a private investigator license~~ must be
15 issued to each officer, partner, and manager of the corporation or
16 partnership who also ~~meet~~ **meets** the requirements under section 8 of
17 this chapter. Each individual who is issued a ~~pocket card~~ **private**
18 **investigator license** under this subsection shall affix ~~an appropriate~~
19 ~~picture to the pocket card; and in addition to the picture the pocket card~~
20 ~~shall also contain a fingerprint of the forefinger of the licensee. When~~
21 ~~a license is revoked, the pocket card shall be surrendered and, within~~
22 ~~five (5) days after revocation, shall be mailed or delivered by the~~
23 ~~licensee to the board for cancellation. a recent picture of the~~
24 **individual on the back of the license.**

25 (d) ~~Upon the request of a private investigator firm licensee, the~~
26 ~~board shall furnish each of the licensee's employees, except office~~
27 ~~employees, who meet the requirements of section 11 of this chapter~~
28 ~~with an identification card. a private investigator license. The~~
29 ~~identification card shall private investigator license must contain a~~
30 ~~recent picture of the employee; the employee's name, the licensee's~~
31 ~~name and address, and the license number of the employee's employer.~~
32 ~~and a thumbprint of the employee. The licensee shall affix each~~
33 ~~employee's picture and thumbprint to the identification card. a recent~~
34 **picture of the employee on the back of the license.**

35 (e) A private investigator firm licensee shall notify the board
36 within thirty (30) days after an individual who holds a private
37 investigator license under subsection (d) retires, resigns, or
38 terminates employment with the firm for any reason. If the
39 individual leaving the firm surrenders the individual's private
40 investigator license issued under subsection (d) to the firm, the firm
41 licensee shall mail or deliver the surrendered license to the board
42 for cancellation.

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(f) A licensee shall, within thirty (30) days after a change, notify the board of any changes ~~of to:~~

(1) the licensee's address; ~~of~~

(2) the name under which the licensee does business; ~~and of a change of~~

(3) the licensee's officers, directors, members, or partners; ~~or~~

(4) **any material information furnished or required to be furnished to the board under this chapter.**

(g) **When a private investigator firm license is revoked, all private investigator licenses issued under that private investigator firm license must be surrendered and, within five (5) days after revocation, must be mailed or delivered by the former firm licensee to the board for cancellation.**

~~(f)~~ (h) A license issued under this chapter is not assignable and is personal to the licensee.

SECTION 19. IC 25-30-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. (a) A **private investigator firm** licensee may employ, to assist the licensee in the licensee's business as a private ~~detective~~, **investigator**, as many ~~unlicensed~~ persons **who are at least eighteen (18) years of age** as may be necessary. **However, all employees employed under this subsection must have private investigator licenses issued under section 10(d) of this chapter.** The licensee is civilly responsible for the good conduct of an employee while the employee is acting on behalf of the licensee.

(b) A licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days of the date that the employee commences employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

SECTION 20. IC 25-30-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) It shall be unlawful for a person licensed by any other state to do business **as a private investigator** in Indiana unless the person is authorized to do business **as a private investigator** in Indiana. A person may not do business **as a private investigator** in Indiana ~~until unless~~ the person is licensed with the board ~~and meets the requirements for licensees of this state, except the residence requirement of one (1) year. In addition,~~ an out-of-state person must prove to the board that the person is in good standing in the state the person was issued a license: **under this chapter.**

~~(b)~~ A person licensed under this section must have a resident



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1 licensee:

2 (1) whose name and license number appear on the license for the
3 private detective business; and

4 (2) who, in writing to the board, assumes full responsibility for the
5 following:

6 (A) All the employees of the private detective business;

7 (B) Maintaining all records required under this chapter in an
8 Indiana location;

9 (C) Assuring compliance with this chapter.

10 (c) The resident licensee is responsible for informing the board, in
11 writing, of the following:

12 (1) When the relationship with an out-of-state licensee is
13 terminated;

14 (2) Where records are maintained by the resident licensee.

15 (d) This section does not relieve a licensee of responsibility for
16 complying with this chapter.

17 (b) The board may enter into a reciprocity agreement with
18 another state to allow the licensing in Indiana of a person who
19 holds a private investigator license issued by that state if the
20 standards for licensing in that state are at least equal to the
21 standards in this chapter.

22 SECTION 21. IC 25-30-1-15 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. (a) An applicant for
24 a private detective investigator firm license who employs more than
25 fourteen (14) others must submit proof to the board that the applicant
26 is insured by an insurance company authorized to do business in
27 Indiana for the amount of one hundred thousand dollars (\$100,000)
28 liability per occurrence.

29 (b) An applicant for a private detective license who employs less
30 than fifteen (15) others must do one (1) of the following:

31 (1) Post with the board a surety bond that:

32 (A) names the applicant as the principal;

33 (B) obligates the surety in the amount of seven thousand
34 dollars (\$7,000) to the board in favor of the state;

35 (C) requires the principal, if granted a license, to conduct the
36 business of private detective faithfully and honestly and to
37 observe all Indiana statutes; and

38 (D) authorizes the board to declare the bond in default and to
39 levy against the surety and the principal under the bond for the
40 payment of actual damages to any person who is harmed as a
41 result of the principal's violation of the requirements described
42 in clause (C).

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(2) Submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) per liability occurrence.

~~(c)~~ (b) The insurance referred to in subsections subsection (a): and ~~(b)(2):~~

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a private ~~detective; investigator;~~

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if such injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) An applicant that holds a current security guard firm license may submit proof of the insurance required by IC 25-30-3-22 to satisfy the insurance requirements of this section.

~~(d) Every If a licensee who employs at least fifteen (15) others shall at all times maintain in force the insurance referred to in subsection (a): Upon a licensee's failure fails to comply with this subsection; the insurance requirements of this section, the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.~~

~~(e) Every licensee who employs less than fifteen (15) others shall at all times maintain in force a surety bond on file with the board under subsection (b)(1) or maintain in force the insurance provided by subsection (b)(2). Upon a licensee's failure to comply with this subsection; the license of the licensee shall be suspended. A license suspended under this subsection may not be reinstated until an application for the license, in the form prescribed by the board, is filed with the board; together with proper proof of insurance or surety bond.~~

~~(f)~~ (e) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance ~~or the surety bond requirements~~ requirements of this section, for any of the following:



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(1) Any reason that would justify a refusal to issue, a suspension, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

(g) A surety bond posted with the board under this section may be canceled by the surety thirty (30) days after the surety gives the board written notice of its intent to cancel the bond. However, the cancellation of a bond under this subsection does not terminate the liability of the surety on the bond in connection with any action commenced before the cancellation of the bond.

SECTION 22. IC 25-30-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16. (a) A **private investigator firm** license and the **identification cards private investigator licenses** of the licensee's employees issued under this chapter expire two (2) years from the date of issuance of the **private investigator firm** license.

(b) A licensee desiring a renewal license must:

(1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and

(2) meet the license renewal requirements determined by the board, **including any continuing education requirements.**

(c) **Each licensee must complete the continuing education required by the board before the end of each license renewal period.**

(d) **The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.**

(e) **The rules must do the following:**

(1) **Establish procedures for approving organizations that provide continuing education.**

(2) **Establish a fee for each hour of continuing education required after a license is issued or renewed.**

(3) **Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of private investigators.**

(f) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board.

(2) Meets the license requirements determined by the board.

(3) Pays the license and delinquent fees.

(g) **Employee identification cards issued under this chapter**

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1 **Private investigator licenses** expire at the same time as the **private**
 2 **investigator firm** license ~~referred to in subsection (a):~~ **under which**
 3 **the private investigator licenses are issued.**

4 SECTION 23. IC 25-30-1-17 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. (a) The board shall
 6 charge and the licensing agency shall collect the following private
 7 ~~detective investigator~~ license fees:

8 (1) For ~~each~~ issuance or renewal of a ~~private detective private~~
 9 ~~investigator firm~~ license, a fee of one hundred fifty dollars
 10 (\$150) **except as provided in subsection (b).**

11 (2) For ~~identification cards for unlicensed employees~~ **each**
 12 **private investigator license** issued under section 10(d) of this
 13 chapter, a fee of:

14 (A) ten dollars (\$10); or

15 (B) five dollars (\$5) if application for the ~~identification card~~
 16 **private investigator license** is made in the second year of the
 17 licensee's **employer's private investigator firm** license.

18 (3) For reinstatement of a license referred to in section ~~16(c)~~
 19 **15(d)** of this chapter, a delinquent fee of seventy-five dollars
 20 (\$75).

21 (b) **If an applicant that holds a valid security guard firm license**
 22 **applies for the issuance or renewal of a private investigator firm**
 23 **license and provides proof of payment of the fee required under**
 24 **IC 25-30-3-24(a)(1), the fee for the private investigator firm license**
 25 **is fifty dollars (\$50).**

26 (c) All fees collected under this chapter shall go into the general
 27 fund and shall be accounted for by the licensing agency.

28 ~~(c)~~ (d) A license fee shall not be refunded unless a showing is made
 29 of ineligibility to receive the license by failure to meet the requirements
 30 of this chapter, or by a showing of mistake, inadvertence, or error in the
 31 collection of the fee.

32 SECTION 24. IC 25-30-1-21 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21. (a) Except as
 34 provided in ~~subsection~~ **subsections (b) and (f)**, a person who violates
 35 this chapter commits a Class A misdemeanor.

36 (b) A person who is not exempt under section 5 of this chapter, who
 37 does not have a ~~private detective~~ license **described in section 6.5 of**
 38 **this chapter**, and who:

39 (1) engages in the private ~~detective investigator~~ business;

40 (2) solicits or advertises for business as a private ~~detective~~;
 41 **investigator**; or

42 (3) in any way represents to be a private ~~detective~~; **investigator**;

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commits a Class ~~A~~ **infraction**. **C misdemeanor.**

(c) In addition to any other fine imposed on the person, the court shall fine the person convicted of an offense under subsection (b) the amount of compensation earned by the person in the commission of the offense. ~~Notwithstanding IC 34-28-5-4(a), the total fine imposed under this section may exceed ten thousand dollars (\$10,000) if necessary to comply with this subsection.~~

(d) Each transaction under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 22 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

(1) acted as a private ~~detective~~; **investigator**;

(2) solicited or advertised for business as a private ~~detective~~; **investigator**; or

(3) represented to be a private ~~detective~~; **investigator**; without a private ~~detective~~ license **described in section 6.5 of this chapter.**

(f) **An individual who fails or refuses to surrender a private investigator license issued under section 10(d) of this chapter when the individual retires, resigns, or terminates employment with the firm under which the license was issued commits a Class C misdemeanor.**

SECTION 25. IC 25-30-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 3. Licensing of Security Guards

Sec. 1. This chapter may be cited as the "Security Guard Licensing Law".

Sec. 2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from a law enforcement academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the security guard business as an individual with the assistance of a licensed or unlicensed person.

Sec. 3. As used in this chapter, "board" refers to the private investigator and security guard licensing board established by IC 25-30-1-5.1.

Sec. 4. As used in this chapter, "industrial plant" means a factory, business, or concern that is engaged primarily in the



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1 manufacture or assembly of goods or the processing of raw
2 materials, or both.

3 Sec. 5. As used in this chapter, "licensee" means a person
4 licensed under this chapter.

5 Sec. 6. As used in this chapter, "licensing agency" refers to the
6 Indiana professional licensing agency established by IC 25-1-6-3.

7 Sec. 7. As used in this chapter, "person" means an individual, a
8 firm, a company, an association, an organization, a partnership, or
9 a corporation.

10 Sec. 8. As used in this chapter, "resident" means a person who
11 has established an actual domicile in Indiana.

12 Sec. 9. As used in this chapter, "security guard" means a person
13 who conducts a security guard business with or without the
14 assistance of an employee.

15 Sec. 10. As used in this chapter, "security guard business"
16 means the business of furnishing, for hire or reward, a guard,
17 guards, or other persons to protect persons or property or to
18 prevent the misappropriation or concealment of goods, wares,
19 merchandise, money, bonds, stocks, choses in action, notes, or
20 other valuable documents or papers.

21 Sec. 11. It is unlawful for a person to engage in the security
22 guard business, solicit or advertise for business as a security guard,
23 or represent or hold the person out to be a security guard unless
24 the person:

- 25 (1) is licensed under this chapter;
- 26 (2) complies with this chapter; and
- 27 (3) complies with rules adopted under this chapter.

28 Sec. 12. This chapter does not require any of the following
29 persons to be licensed under this chapter:

- 30 (1) A law enforcement officer of the United States, a state, or
31 a political subdivision of a state to the extent that the officer
32 or employee is engaged in the performance of the officer's or
33 employee's official duties.
- 34 (2) An armored service agency to the extent that the agency is
35 engaged in the business of transporting property to prevent
36 the theft or unlawful taking of goods, wares, merchandise, or
37 money.
- 38 (3) A person who:
 - 39 (A) is hired for the purpose of guarding and protecting the
 - 40 properties of railroad companies; and
 - 41 (B) is licensed as a railroad policeman under IC 8-3-17.
- 42 (4) A person who hires a security guard for an industrial

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(5) A person who hires a security guard for a retail merchant's establishment.

Sec. 13. The board shall issue the following types of licenses under this chapter:

(1) A security firm license to a person who meets the requirements of section 14 of this chapter.

(2) A security guard license to an individual who performs one (1) or more activities of the security guard business as an employee for a person holding a security firm license.

Sec. 14. (a) An application for a security firm license must be on a form prescribed by the board and accompanied by the license fee as provided by this chapter.

(b) The application must be verified and must include the following:

(1) The full name and business address, including street address, of the individual applicant.

(2) The name under which the individual applicant intends to do business as a security firm.

(3) If the applicant is a person other than an individual, the full name and residence address of each of its members, partners, officers, directors, and managers.

(4) The information required by section 15 of this chapter.

(5) The proof of insurance required by section 22 of this chapter.

(6) Other information, evidence, statements, or documents required by the board.

Sec. 15. (a) Before an application for a security firm license is granted, the applicant must meet the following requirements:

(1) Be at least eighteen (18) years of age.

(2) Be a resident of Indiana for at least one (1) year, except for an applicant that meets the requirements of subsection (e).

(3) Have:

(A) at least four thousand (4,000) hours of experience in security guard work under a licensee, or its equivalent;

(B) at least four thousand (4,000) hours of law enforcement or prison guard experience;

(C) at least a bachelor's degree in criminal justice or another subject as approved by the board; or

(D) any other experience relevant to the security guard business as determined by the board.

(4) Demonstrate the necessary knowledge and skills, as

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determined by the board, to conduct a security firm business competently.

(b) If the applicant is a corporation or a partnership:

(1) one (1) officer, in the case of a corporation; or

(2) one (1) partner, in the case of a partnership;

must meet the personal qualifications set out in subsection (a) unless otherwise provided.

(c) The board may deny a license to an applicant unless the applicant makes a showing satisfactory to the board that the applicant, if the applicant is an individual, or the officer or partner referred to in subsection (b), if the applicant is a corporation or a partnership:

(1) has not committed an act that, if committed by a licensee, would be grounds for the suspension or revocation of a license under this chapter;

(2) has not been convicted of a:

(A) felony; or

(B) misdemeanor that has a direct bearing upon the applicant's ability to practice competently;

(3) has not been refused a license under this chapter or had a license revoked;

(4) has not, while unlicensed, committed or aided and abetted the commission of an act for which a license is required by this chapter;

(5) is not on probation or parole; and

(6) is not being sought under an active warrant against the applicant.

(d) The board may allow the licensing under this chapter of an applicant who holds a license as a security guard in another state that, as determined by the board, has standards for licensing at least equal to those of this chapter.

(e) An applicant that is licensed as a security guard in another state whose standards for licensing are, as determined by the board, at least equal to those of this chapter is not required to be domiciled in Indiana to be licensed by the board under this chapter.

Sec. 16. If a change in the ownership of a security guard business results in the failure to meet the qualifications set out in section 15 of this chapter:

(1) the security firm license for the security guard business terminates on the date the change in ownership is effective; and



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(2) the security guard business must file a new application for a security firm license with the board.

Sec. 17. (a) Upon the death of an individual who met the qualifications set out in section 15 of this chapter for a security firm licensed under this chapter, the business with which the decedent was connected may be carried on for ninety (90) days by the following:

(1) In the case of an individual licensee, the surviving spouse, or if there is no surviving spouse, the executor or administrator of the estate of the decedent.

(2) In the case of a partner, the surviving partners.

(3) In the case of an officer of a firm, a company, an association, an organization, or a corporation, the other officers of the firm, company, association, organization, or corporation.

(b) Upon authorization by the board, the business may be carried on for a longer period when necessary to complete an investigation or assist in litigation pending at the time of the licensee's death.

(c) This section does not authorize the solicitation or acceptance of business after the death of a licensee except as provided by this chapter.

(d) This section does not restrict the sale of a security guard business if the vendee qualifies for a license under this chapter.

Sec. 18. (a) A security firm license, when issued, must be in a form determined by the board and must include the following:

(1) The name of the licensee, the names of the individual partners if the licensee is a partnership, or the names of the officers and directors of the corporation if the licensee is a corporation.

(2) The name under which the licensee is to operate.

(3) The number of the license and the date on which the license is issued.

(4) Other information the board considers necessary.

(b) The license shall be posted in a conspicuous place in the principal place of business of the licensee.

(c) Upon the issuance of a security firm license, a security guard employee license of a design determined by the board shall be issued without charge to an individual applicant who meets the qualifications set forth in section 15 of this chapter for the issuance of the security firm license. If the licensee is a corporation or partnership, the security guard license must be issued to each

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officer, partner, and manager of the corporation or partnership who also meets the requirements under section 15 of this chapter. Each individual who is issued a security guard license under this subsection shall affix a recent picture of the individual on the back of the license.

(d) Upon the request of a security firm licensee, the board shall furnish each of the licensee's employees who meet the requirements of section 19 of this chapter, except office employees, with a security guard license. The security guard license must contain the following:

- (1) The employee's name.
- (2) The licensee's name and address.
- (3) The license number of the employee's employer.
- (4) A recent picture of the employee, affixed on the back of the authorized security guard license by the employer.

(e) A security firm licensee shall notify the board within thirty (30) days after an individual who holds a security guard license under subsection (d) retires, resigns, or terminates employment with the firm for any reason. If the individual leaving the firm surrenders the security guard license issued under subsection (d) to the firm, the firm licensee shall mail or deliver the surrendered license to the board for cancellation.

(f) A licensee shall, within thirty (30) days after a change, notify the board of any changes to:

- (1) the licensee's address;
- (2) the name under which the licensee does business;
- (3) the licensee's officers, directors, members, or partners; or
- (4) any material information furnished or required to be furnished to the board under this chapter.

(g) When a security firm license is revoked, all security guard licenses issued under that security firm license must be surrendered and, not later than five (5) days after revocation, must be mailed or delivered by the former security firm licensee to the board for cancellation.

(h) A license issued under this chapter is not assignable and is personal to the licensee.

Sec. 19. (a) A security firm licensee may employ as a security guard as many persons who are at least eighteen (18) years of age as may be necessary to assist the licensee in the licensee's business. However, all employees employed under this subsection must have security guard licenses issued under section 18(d) of this chapter. The licensee is civilly responsible for the good conduct of an

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employee while the employee is acting on behalf of the licensee.

(b) A security firm licensee shall maintain a record, relative to the licensee's employees, containing the following information:

(1) A picture taken within thirty (30) days after the employee begins employment with the licensee.

(2) A full set of fingerprints of both hands of the employee.

Sec. 20. An advertisement by a licensee soliciting or advertising for business must contain the name and address of the licensee as they appear in the records of the board.

Sec. 21. (a) It is unlawful for a person licensed by any other state to do business as a security guard in Indiana unless the person is authorized to do business as a security guard in Indiana. A person may not do business as a security guard in Indiana unless the person is licensed by the board under this chapter.

(b) The board may enter into a reciprocity agreement with another state to allow the licensing in Indiana of a person who holds a security guard license issued by that state if the standards for licensing in that state are at least equal to the standards in this chapter.

Sec. 22. (a) An applicant for a security firm license must submit proof to the board that the applicant is insured by an insurance company authorized to do business in Indiana for the amount of one hundred thousand dollars (\$100,000) liability per occurrence.

(b) The insurance referred to in subsection (a):

(1) must cover damages that the insured becomes legally obligated to pay for bodily injury or property damage proximately caused to a person by the insured in conducting business as a security guard;

(2) must include coverage for:

(A) false arrest, detention, or imprisonment;

(B) malicious prosecution; and

(C) wrongful entry or eviction, or other invasion of the right of private occupancy; and

(3) may not exclude coverage for an intentional act taken by or at the direction of the insured that results in bodily injury, if the injury arises solely from the use of reasonable force for the purpose of protecting persons or property.

(c) An applicant that holds a valid private investigator firm license may submit proof of the insurance required by IC 25-30-1-15 to satisfy the insurance requirements of this section.

(d) If a licensee fails to comply with the insurance requirements of this section, the license of the licensee shall be suspended. A

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license suspended under this subsection may not be reinstated until an application for reinstatement of the license, in the form prescribed by the board, is filed with the board, together with proper proof of insurance.

(e) The board may deny an application for the reinstatement of a license suspended under this section, notwithstanding the applicant's compliance with the insurance requirements of this section, for any of the following:

(1) Any reason that would justify a refusal to issue, a suspension of, or a revocation of a license.

(2) The performance by the applicant, while the applicant's license was suspended under this section, of any practice for which a license under this chapter is required.

Sec. 23. (a) A security firm license and the security guard licenses of the licensee's employees issued under this chapter expire two (2) years after the date of issuance of the security firm license.

(b) In order to renew a license, a licensee must:

(1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form prescribed by the board; and

(2) meet the license renewal requirements determined by the board, including any continuing education requirements.

(c) Each licensee must complete the continuing education required by the board before the end of each license renewal period.

(d) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(e) The rules must do the following:

(1) Establish procedures for approving organizations that provide continuing education.

(2) Establish a fee for each hour of continuing education required for the renewal of a license under this chapter.

(3) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of security guards.

(f) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

(1) Files an application for renewal with the board.

(2) Meets the license requirements determined by the board.

(3) Pays the license and delinquent fees.

(g) Security guard licenses expire at the same time as the private investigator firm license under which the security guard licenses

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were issued.

Sec. 24. (a) The board shall charge and the licensing agency shall collect the following security guard license fees:

(1) For each issuance or renewal of a security firm license, a fee of one hundred fifty dollars (\$150), except as provided in subsection (b).

(2) For each security guard license issued under section 18(d) of this chapter, a fee of:

(A) ten dollars (\$10); or

(B) five dollars (\$5), if application for the security guard license is made in the second year of the employer's security firm license.

(3) For reinstatement of a license referred to in section 22(d) of this chapter, a delinquent fee of seventy-five dollars (\$75).

(b) If an applicant that holds a valid private investigator firm license applies for the issuance or renewal of a security firm license and provides proof of payment of the fee required under IC 25-30-1-17(a)(1), the fee for the security firm license is fifty dollars (\$50).

(c) All fees collected under this chapter must be deposited in the state general fund and must be accounted for by the licensing agency.

(d) A license fee may not be refunded unless a showing is made of ineligibility to receive the license based upon failure to meet the requirements of this chapter or based upon a showing of mistake, inadvertence, or error in the collection of the fee.

Sec. 25. (a) The proceedings under this chapter shall be conducted in accordance with IC 4-21.5, and the board has the powers granted under IC 4-21.5.

(b) The board may impose sanctions against a licensee under IC 25-1-11 if the board determines that the licensee has done any of the following:

(1) Forcibly and without the consent of the person in lawful possession, entered a building or part of a building.

(2) Impersonated, or permitted or aided and abetted an employee to impersonate, a law enforcement officer, an employee of the United States government, an employee of the state, or an employee of a political subdivision of the state.

(3) During the period between the expiration of a license for failure to renew within the time fixed by this chapter and the reinstatement of the license, committed or permitted an employee to commit an act that would be cause for suspension

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or revocation of a license or grounds for the denial of an application for a license.

(4) Committed an act that is grounds for the denial of an application for a license under this chapter.

Sec. 26. This chapter does not authorize a licensee to carry any weapon.

Sec. 27. The prosecuting attorney to whom the board reports a violation of this chapter shall cause proceedings to be commenced against a person who violates this chapter and to prosecute the person to final termination.

Sec. 28. A person who files a civil action to collect fees for performing acts regulated by this chapter must allege and prove that when the action arose, the person was not in violation of section 30 of this chapter.

Sec. 29. (a) Except as provided in subsections (b) and (f), a person who knowingly or intentionally violates this chapter commits a Class A misdemeanor.

(b) This section does not apply to a person who is exempt under section 12 of this chapter. A person who:

- (1) engages in the security guard business;
- (2) solicits or advertises for business as a security guard; or
- (3) in any way represents to be a security guard;

without a license issued under section 13 of this chapter commits a Class C misdemeanor.

(c) In addition to any other penalty imposed on a person who violates subsection (b), the court shall impose a penalty upon the person in the amount of the compensation earned by the person in the commission of the offense.

(d) Each violation under subsection (b) constitutes a separate offense.

(e) A complaint for a violation of this chapter or for an injunction under section 30 of this chapter is sufficient if the complaint alleges that a person on a specific day in a specific county:

- (1) acted as a security guard;
- (2) solicited or advertised for business as a security guard; or
- (3) represented to be a security guard;

without a license described in section 13 of this chapter.

(f) An individual who fails or refuses to surrender a security guard license issued under section 18(d) of this chapter when the individual retires, resigns, or terminates employment with the firm under which the license was issued commits a Class C

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1 misdemeanor.

2 **Sec. 30. (a)** If the board determines that a person who is not
 3 licensed or exempt under this chapter is engaged in activities that
 4 require a license, the board may send a notice of hearing requiring
 5 the person to show cause why the challenged activities do not
 6 violate this chapter. The notice must be in writing and include the
 7 following information:

8 (1) The date, time, and place of the hearing.

9 (2) The alleged violation.

10 (3) A statement that the affected person or the person's
 11 representative may present evidence concerning the alleged
 12 violation.

13 (b) A hearing conducted under this section must comply with
 14 IC 4-21.5.

15 (c) If the board, after a hearing, determines that the activities
 16 the person engaged in are subject to licensing under this chapter,
 17 the board may issue a cease and desist order that describes the
 18 person and the activities that are the subject of the order.

19 (d) A cease and desist order issued under this section is
 20 enforceable in the circuit courts.

21 (e) The attorney general, the board, or the prosecuting attorney
 22 of a county where a violation of section 29(b) of this chapter occurs
 23 may file an action in the name of the state for an injunction.

24 **SECTION 26. [EFFECTIVE JULY 1, 2002]** (a) As used in this
 25 **SECTION, "board"** refers to the private investigator and security
 26 guard licensing board established by IC 25-30-1-5.1, as amended
 27 by this act.

28 (b) Not later than July 1, 2003, the board shall waive the
 29 requirements for and issue:

30 (1) a private investigator firm license under IC 25-30-1, as
 31 amended by this act; and

32 (2) a security guard firm license under IC 25-30-3, as added
 33 by this act;

34 to a person who holds a valid private detective license on July 1,
 35 2002.

36 (c) The licenses issued under subsection (b) expire two (2) years
 37 from the date of issuance.

38 (d) A person who holds a valid private detective license on July
 39 1, 2002, does not violate IC 25-30-1-21, as amended by this act, or
 40 IC 25-30-3-29, as added by this act, and may not be disciplined for
 41 failure to have a private investigator firm license or a security
 42 guard firm license before July 1, 2003.



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(e) This SECTION expires July 2, 2003.

SECTION 27. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the private investigator and security guard licensing board established by IC 25-30-1-5.1, as amended by this act.

(b) The governor shall make the initial appointments of the security guard board members required under IC 25-30-1-5.1(b)(2), as amended by this act, not later than July 1, 2002, for terms expiring as follows:

(1) One (1) security guard member for a term expiring June 30, 2003.

(2) One (1) security guard member for a term expiring June 30, 2004.

In making an initial appointment, the governor shall indicate the length of the term for which the individual is appointed.

(c) The initial terms of the security guard board members begin July 1, 2002.

(d) An individual who is not licensed as a security guard as required by IC 25-30-1-5.1(b)(2), as amended by this act, may be appointed to the board if the individual:

(1) meets the requirements of IC 25-30-3-15, as added by this act; and

(2) obtains a license under IC 25-30-3, as added by this act, not later than July 1, 2003.

(e) A board member appointed under subsection (d) who does not obtain the requisite license under IC 25-30-3, as added by this act, shall be considered to have resigned from the board on that date, and the governor shall fill the vacancy under IC 25-30-1-5.1(e).

(f) Not later than March 15, 2003, the board shall adopt rules under IC 4-22-2 to carry out this act.

(g) This SECTION expires July 1, 2004.

SECTION 28. An emergency is declared for this act.

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